

REMARKS

Independent claims 1, 6, and 7 are amended to clarify that respective connections are created between the operations interface program and the at least two instances of the console view, and that the respective connections with the at least two instances of the console view are transferred to an instance of the system operations program. Support for the amendment may be found in the specification on page 9, line 8, for example.

Claims 1-4, 6-10, and 13-21 are pending in this application. Reconsideration and allowance of the application are respectfully requested.

Claims 1-4, 6-10, and 13-21 are understood to be patentable under 35 USC §103(a) over “Zalewski” (U.S. Patent 6,647,508 to Zalewski et al.) in view of “Stedman” (U.S. Patent 5,968,119 to Stedman et al.) in view of “Barone” (U.S. Patent 5,315,711 to Barone et al.). The rejection is respectfully traversed because the Office Action does not show that all the limitations are suggested by the combination and does not provide a proper motivation for modifying the teachings of Zalewski with teachings of Stedman in view of Barone.

The limitations of independent claims 1, 6, 7, 13, and 16 specify that a plurality of instances of a system operations program are initiated on a plurality of the computer systems. The Office Action does not show that the Zalewski-Stedman-Barone combination teaches or suggests these limitations in combination with the other limitations of the claims. The examiner has improperly applied the holding of “St. Regis Paper” (St. Regis Paper Co. v. Bemis Co., 193 USPQ 8 (7th Cir. 1977)) as a per se rule.

The examiner asserts that duplicating any parts must be obvious without regard to the individual facts in the present application. Since the examiner has used a per se rule, the examiner has not considered the particular challenges associated with the initiating of a plurality of instances of systems operations programs on a plurality of computer systems in combination with the limitations for coupling those instances with the logical console objects and connecting those instances with instances of console views. As explained in the Appeals Board Opinion from Appeal No. 2002-1311 for application number 09/042,291, it is improper for the examiner to apply the holding in St. Regis Paper without regard for the particular nature of the claimed subject matter (the opinion in Appeal No. 2002-1058 for application no. 09/228,856 contains a similar

analysis). Therefore, the limitations of a plurality of instances of a system operations program being initiated on a plurality of the computer systems are not shown to be suggested by the Zalewski-Stedman-Barone combination.

It is also noted that Stedman's teachings do not suggest the plurality of computer systems on which the plurality of instances of system operations program are initiated. Instead, Stedman's display controls 114a and 114b, which are asserted to correspond to the instances of the system operations program, are under the control of a single server application framework that is hosted by a single server computer 108. The single server application framework manages sessions between the display controls on the single server computer and the browsers (col. 18, l. 38-53). Furthermore, Stedman's server application framework architecture does not suggest deploying the display controls on multiple systems. Thus, the Office Action does not show that the Zalewski-Stedman-Barone combination suggests the claim limitations.

Claims 1, 6, 7, 13, 16, and 19 include further limitations of at least two instances of a console view having respective connections with a single system operations program. These limitations are not shown to be suggested by the Zalewski-Stedman-Barone combination. Stedman suggests that the display control 114 (asserted to correspond to the claimed instances of the system operations program) is connected to a single browser 120 (asserted to correspond to the claimed instance of the console view). Specifically, at col. 18, l. 38-41, Stedman is explicit in teaching that each browser corresponds to one host computer whose presentation space is presented via the display control. Thus, Stedman is not shown to suggest these limitations.

In addition to the limitations discussed above, claim 19 includes further limitations of:

in response to a connection request that specifies an instance of the system operations program that is not hosted on the computer system hosting the operations interface program at which the connection request was received, returning to the instance of the console view that sent the connection request, a code that identifies the one of the computer systems that hosts the instance of the system operations program specified in the connection request;

These limitations are not shown to be suggested by the Zalewski-Stedman-Barone combination. Stedman's web server process, which is asserted as corresponding to the claimed operations interface program, does not return a computer system identification

code to a browser to identify a computer system that hosts a display control. Stedman's web server process forwards in HTML pages a session identifier as generated by the server application framework (col. 19, l. 54 – col. 20, l. 2), but the session identifier does not identify a computer system that hosts the display control. Thus, Stedman's teachings do not suggest the operations interface program returning to an instance of a console view a code that identifies a computer system that hosts an instance of the system operations program, and claim 19 is understood to be patentable over the Zalewski-Stedman combination.


The asserted motivation for modifying Zalewski with Stedman is improper. The Office Action states that "it would have been obvious ... to modify the methods/systems of Zalewski with the teachings of Stedman, in order to provide an improved access method or system avoiding the limitations of the multiplexer 228..." It is respectfully submitted that there is no apparent evidence presented that demonstrates Zalewski's system provides a level of access that is less than desirable. Furthermore, there is no evidence presented to support the rationale that Zalewski's "inclusion of a primitive consolidated console for the system partitions denotes a need to simplify the access to the different partitions; at the same time motivates the exploration of the art providing simplified access mechanisms for a plurality of host instances." If evidence exists that shows Zalewski has an actual need to simplify access, beyond that which Zalewski's described approach already provides, then presentation of that evidence is respectfully requested. Otherwise, the asserted motivation is conclusory and should be withdrawn.

Claims 2, 8, 14, and 17 depend from claims 1, 7, 13, and 16, respectively; claims 3, 9, 15, and 18 depend from claims 1, 7, 13, and 16, respectively, claims 4 and 10 depend from claims 1 and 7, respectively; and claims 20 and 21 depend from claim 1. For at least the reasons set forth above, the limitations of the dependent claims are not shown to be suggested by the prior art. The rejection of claims 1-4, 6-10, and 13-21 over the Zalewski-Stedman-Barone combination should be withdrawn because the Office Action fails to establish a *prima facie* case of obviousness.

No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (USYS.020PA).

Respectfully submitted,

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